

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

MARION JENKINS,

Defendant.

) CASE NO. 1:20CR397
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)
)
) Judge John R. Adams
)
) ORDER
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)

Pending before the Court is Defendant Marion Jenkins’s motion to reduce his sentence under Amendment 821. Doc. 87. Upon review, the motion is DENIED.

Amendment 821, which became effective on February 1, 2024, applies retroactively. “Part A of Amendment 821 limits the criminal history impact of ‘Status Points’ in Sentencing Guidelines § 4A. Prior to the enactment of Amendment 821, two “Status Points” were added when determining a defendant’s criminal history if the defendant committed his or her federal offense while “under any criminal justice sentence,” including probation, parole, supervised release, imprisonment, work release, or escape status. USSG § 4A1.1(d) (Nov. 2018). Now, pursuant to Amendment 821 Part A, a defendant will be assessed one Status Point when determining his or her criminal history if the defendant otherwise has seven or more criminal history points and committed the instant offense under “any criminal justice sentence.” USSG § 4A1.1(e) (Nov. 2023). Part A effectively eliminates Status Points for defendants with six or fewer criminal history points.

Jenkins appears to assert that his guideline calculation was impacted by Amendment 821: “The defendant received a 2-point enhancement for being under a criminal sentence while

committing the instant offense[.]” However, a review of Jenkins’ presentence report and sentencing hearing both indicate that he received on status points for being under criminal sentence. Rather, Jenkins scored 12 criminal history points from 6 different convictions that scored. However, no part of his guideline calculation or criminal history scoring including an increase for being under a criminal justice sentence at the time of this offense. Accordingly, his 821 motion lacks merit.

The motion to reduce sentence is DENIED.

IT IS SO ORDERED.

March 28, 2025
Date

/s/John R. Adams
JOHN R. ADAMS
UNITED STATES DISTRICT JUDGE